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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/982,437	10/18/2001	Steve Brandstetter	P/94-2	6647

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EXAMINER

SPRIGG, SEAN M

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/982,437

Applicant(s)

BRANDSTETTER ET AL.

Examiner

Sean Sprigg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13, 22-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, it is unclear as to how the LCD screen of claim 13 displays a bonusing event wherein the bonusing event is an LCD screen that allows a player to perform certain actions. In view of claims 25 and 27, it appears that the bonusing event is a game or other competition that is displayed on an LCD screen, and not an LCD screen itself. Therefore for the purposes of this examination claim 26 will be interpreted as describing a bonusing event as being a display of a game wherein a player plays one on one with a casino dealer.

3. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: video processing means that allow a video monitor located on a gaming machine to produce pictures on an interactive sign. As best understood from Applicant's disclosure, the video monitor on a gaming machine presents an image to the player that corresponds with an image that is displayed on an interactive sign. However, it appears that other video processing means produce the pictures on the interactive sign, not the video monitor. These means may include, but are not limited to, video processing software, graphics cards,

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media for transmitting data images, or the LCD the comprises the interactive sign.

Therefore, for the purposes of this examination, the claim will be interpreted to be describing the fact that images produced on a video monitor of the gaming machine are reproduced by some means on the interactive sign.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 13, 22, rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Osawa'944 (USPN 6,634,944).

Claims 13, 22-24, 28: Osawa'944 discloses a gaming system that has a number of slot machines that provide independent play linked to a second play means that provides further play for a number of the slot machines (Fig. 1, cols. 4-5, and 16-22). The second play means has a display means/interactive sign comprising an array of screens which are operable to show the further play in a manner such that a number of players and observes can see it (Fig. 2, col. 5 lines 26-34).

Each of the screens is related to a win value during further play by presenting some portion of a race resulting in an award being distributed to a player associated with an element displayed in the screen (col. 9 lines 26-35 and 48-55, col. 10 lines 20-38, and cols. 11-12 lines 56-4). Alternatively, each of the screens is related to a win value during further play by displaying win values and odds relating to the displayed race or contest and dividends provided to players when a competition in further play is finished (col. 9 lines 26-35 and 48-55, col.

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10 lines 20-38, and cols. 11-12 lines 56-4). Each slot machine has a display (lead lines 27, 43, 105), and the prospective user on a slot machine can view the second play means with the interactive sign (col. 5 lines 26-34). It is suggested that the second play means is separate from each of the slot machines to be viewable from each of the slot machines, and from the schematic Fig. 1 that indicates separate apparatus for the slots machines and the second play means that includes a display. Osawa'944 discloses control means or data inputs on the slot machines to control play on the slot machines (lead lines 26, 42, col. 7 lines 11-18, col. 8 lines 4-12 and 26-31, col. 9 lines 6-15). The second play means is operable to provide a level of play controlled by the control means inputs of the slot machine (col. 10 lines 20-38, col. 13 lines 27-42, col. 15 lines 12-43). The second play means is a gambling facility as demonstrated by the awards it provides based on results (lead lines 29, 45, cols. 11-12 lines 40-4). It is noted that the further play could be either the competition game or the audience participation game as described in Osawa'944 as they are both games that are secondary to the slot machine game and are played using the second play means. Osawa'944 discloses that when a player at a terminal is playing in a game on the secondary play means, a system alerts a player through an invitation when they are on the display means/interactive sign (col. 12 lines 28-44). The display means of the secondary play means (the interactive sign) could also be an LCD display screen or array of LCD display screens. Osawa'944 explicitly discloses that a type of display means could be an LCD display (col. 16

lines 55-67 and col. 18 lines 41-58), and while it is not explicitly disclosed that the interactive sign is an LCD screen, it is understood that one embodiment of Osawa'944 could utilize an LCD screen as the type of display means used for the secondary play means. Regardless of whether Osawa'944 implies the use of LCD screens, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Osawa'944 with an LCD screen as disclosed to be a type of display means in Osawa'944 as the display means of the secondary play means (interactive sign) for the purposes of using a display that would better suit the gaming environment instead of CRT displays or projection screens which take up more space and do not provide as clear a picture as an LCD display.

6. Claim 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osawa'944.

Claim 25-27: As described above, Osawa'944 discloses all the features of the claimed invention except for explicitly disclosing all the various types of games that can be played using the system with a common LCD screen display means for secondary play, including a bonusing event with a wheel having denominations on it, a bonusing event that is performed on a LCD screen which allows a player to play one on one with a casino dealer on the screen, and a bonusing event of a ferris wheel game.

At the time the invention was made, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have used any of these

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types of bonusing events, including the bonusing event explicitly disclosed in Osawa'944, because Applicant has not disclosed that providing a bonus game of a wheel with denominations, a competitive poker game, or a ferris wheel game provides an advantage, is used for a particular reason, or solves a stated problem. It is noted that Applicant states that it is an objective to provide such games, but provides no advantage, reason, or problem addressed by using such games and events in the gaming machine system. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with these games or any other game acting as a secondary bonus game, such as the game explicitly disclosed in Osawa'944, because each of the games provide a secondary level of play that allows players to compete on a publically viewable screen for added entertainment to a primary game of a gaming machine.

Response to Arguments

7. Applicant's arguments with respect to claims 13, 22-28 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Sprigg whose telephone number is (571) 272-5562. The examiner can normally be reached on Monday - Friday, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMS



SCOTT JONES
PRIMARY EXAMINER

1/4/07